

TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of State Health Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 411, State Mental Health Authority Responsibilities, Subchapter N, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 306, Behavioral Health Delivery System, Subchapter A.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 411, Subchapter N

TRD-202000013

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Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 411, State Mental Health Authority Responsibilities, Subchapter N, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 306, Behavioral Health Delivery System, Subchapter A.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 411, Subchapter N

TRD-202000019

Figure: 25 TAC Chapter 411, Subchapter N

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 411. State Mental Health Authority Responsibilities	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 306. Behavioral Health Delivery System
Subchapter N. Standards for Services to Individuals with Co-Occurring Psychiatric and Substance Use Disorders (COPSD)	Subchapter A. Standards for Services to Individuals with Co-Occurring Psychiatric and Substance Use Disorders (COPSD)
§411.651. Purpose.	§306.1. Purpose.
§411.652. Application.	§306.3. Application.
§411.653. Definitions.	§306.5. Definitions.
§411.654. Services to Individuals with COPSD.	§306.7. Services to Individuals with COPSD.
§411.655. Responsibility for Compliance.	§306.9. Responsibility for Compliance.
§411.656. DSHS Responsibilities.	§306.11. DSHS Responsibilities.
§411.657. Access to Services.	§306.13. Access to Services.
§411.658. Specialty Competencies of Staff Providing Services to Individuals with COPSD.	§306.15. Specialty Competencies of Staff Providing Services to Individuals with COPSD.
§411.659. Quality Management.	§306.17. Quality Management.
§411.660. Screening, Assessment, and Treatment Planning.	§306.19. Screening, Assessment, and Treatment Planning.

Department of State Health Services

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The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412, Subchapter A

TRD-202000014

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 412, Local Mental Health Authority Responsibilities, Subchapter A, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 302, IDD-BH Training, Subchapter A.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412, Subchapter A

TRD-202000020

Figure: 25 TAC Chapter 412, Subchapter A

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 412. Local Mental Health Authority Responsibilities	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 302. IDD-BH Training
Subchapter A. Mental Health Prevention Standards	Subchapter A. Mental Health Prevention Standards
§412.1. Purpose.	§302.1. Purpose.
§412.2. Application.	§302.3. Application.
§412.3. Definitions.	§302.5. Definitions.
§412.4. Mental Health First Aid Training Protocols.	§302.7. Mental Health First Aid Training Protocols.
§412.5. Local Mental Health Authority Responsibilities.	§302.9. Local Mental Health Authority Responsibilities.



Department of State Health Services

Rule Transfer

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The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412, Subchapter I

TRD-202000015



Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 412, Local Mental Health Authority Responsibilities, Subchapter I, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 306, Behavioral Health Delivery System, Subchapter E.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 412, Subchapter I

TRD-202000021

Figure: 25 TAC Chapter 412, Subchapter I

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 412. Local Mental Health Authority Responsibilities	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 306. Behavioral Health Delivery System
Subchapter I. Mental Health Case Management	Subchapter E. Mental Health Case Management
§412.401. Purpose.	§306.251. Purpose.
§412.402. Application.	§306.253. Application.
§412.403. Definitions.	§306.255. Definitions.
§412.404. Provider Requirements.	§306.257. Provider Requirements.
§412.405. Eligibility for MH Case Management Services.	§306.259. Eligibility for MH Case Management Services.
§412.406. Authorization for MH Case Management Services.	§306.261. Authorization for MH Case Management Services.
§412.407. MH Case Management Services Standards.	§306.263. MH Case Management Services Standards.
§412.408. Making a Complaint.	§306.265. Making a Complaint.
§412.409. Service Limitations.	§306.267. Service Limitations.
§412.410. Notification and Terminations.	§306.269. Notification and Terminations.
§412.411. MH Case Management Employee Qualifications.	§306.271. MH Case Management Employee Qualifications.
§412.412. MH Case Management Employee Competencies.	§306.273. MH Case Management Employee Competencies.
§412.413. Documenting MH Case Management Services.	§306.275. Documenting MH Case Management Services.
§412.414. Medicaid Reimbursement	§306.277. Medicaid Reimbursement.
§412.415. Fair Hearings and Appeal Processes.	§306.279. Fair Hearings and Appeal Processes.
§412.416. Guidelines.	§306.281. Guidelines.

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being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter C.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 416, Subchapter C

TRD-202000016

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Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 416, Mental Health Community-Based Services, Subchapter C, that are related to these transferred functions are

being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter C.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 416, Subchapter C

TRD-202000022

Figure: 25 TAC Chapter 416, Subchapter C

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 416. Mental Health Community-Based Services	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 307. Behavioral Health Programs
Subchapter C. Jail-Based Competency Restoration Program	Subchapter C. Jail-Based Competency Restoration Program
§416.76. Purpose.	§307.101. Purpose.
§416.77. Application.	§307.103. Application.
§416.78. Definitions.	§307.105. Definitions.
§416.79. Program Eligibility Requirements.	§307.107. Program Eligibility Requirements.
§416.80. Service Standards.	§307.109. Service Standards.
§416.81. Provider Staff Member Training.	§307.111. Provider Staff Member Training.
§416.82. Policies and Procedures.	§307.113. Policies and Procedures.
§416.83. Individual Eligibility.	§307.115. Individual Eligibility.
§416.84. Admission.	§307.117. Admission.
§416.85. Rights of Individuals Receiving JBCR Services.	§307.119. Rights of Individuals Receiving JBCR Services.
§416.86. Treatment Planning.	§307.121. Treatment Planning.
§416.87. Competency Restoration Education.	§307.123. Competency Restoration Education.
§416.88. Procedures for Determining Competency Status in a JBCR Program.	§307.125. Procedures for Determining Competency Status in a JBCR Program.
§416.89. Preparation for Discharge from a JBCR Program.	§307.127. Preparation for Discharge from a JBCR Program.
§416.90. Outcome Measures.	§307.129. Outcome Measures.
§416.91. Compliance with Statutes, Rules, and Other Documents.	§307.131. Compliance with Statutes, Rules, and Other Documents.

Department of State Health Services

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delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 419, Mental Health Services--Medicaid State

Operating Agency Responsibilities, Subchapter A, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter A.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 419, Subchapter A

TRD-202000017

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Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services

delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code (TAC), Title 25, Part 1, Chapter 419, Mental Health Services--Medicaid State Operating Agency Responsibilities, Subchapter A, that are related to these transferred functions are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 307, Behavioral Health Programs, Subchapter A.

The rules will be transferred in the Texas Administrative Code effective February 15, 2020.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 419, Subchapter A

TRD-202000023

Figure: 25 TAC Chapter 419, Subchapter A

Current Rules Title 25. Health Services Part 1. Department of State Health Services Chapter 419. Mental Health Services--Medicaid State Operating Agency Responsibilities	Move to Title 26. Health and Human Services Part 1. Texas Health and Human Services Commission Chapter 307. Behavioral Health Programs
Subchapter A. Youth Empowerment Services (YES)	Subchapter A. Youth Empowerment Services (YES)
§419.1. Purpose and Application.	§307.1. Purpose and Application.
§419.2. Definitions.	§307.3. Definitions.
§419.3. Eligibility Criteria.	§307.5. Eligibility Criteria.
§419.4. Co-payments.	§307.7. Co-payments.
§419.5. Individual Plan of Care (IPC).	§307.9. Individual Plan of Care (IPC).
§419.6. Transition Planning.	§307.11. Transition Planning.
§419.7. Inquiry List.	§307.13. Inquiry List.
§419.8. Right to Fair Hearing.	§307.15. Right to Fair Hearing.